

Additional Shellfish Appendices Statewide TMDL for Bacteria Impaired Waters

Response to Public Comments Document

FINAL September 23, 2013



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Background

Connecticut Department of Energy and Environmental Protection (CT DEEP) published Draft Appendices for the Statewide TMDL for Bacteria Impaired Waters on August 8, 2013 and public noticed the availability of the document for review and comment in the New Haven Register, New London Day, Norwich Bulletin, all on August 9, 2013.

The public comment period was open on the documents until September 9, 2013. The public notice was sent via email to multiple environmental groups and eight municipal CEOs.

Written comments were received from two groups and include a range of suggested changes from typographical and grammatical to updates of erroneous data and information. All comments received are summarized in this document and followed by the official Agency response. Public comment letters and this final document will be posted on the CT DEEP TMDL webpage www.ct.gov/deep/tmdl.

Public Comments

- 1) *On page 22 of the report, it is mentioned that on-site sewage disposal systems damaged post Storm Irene need to be repaired. This office has worked to facilitate completion of several repairs to systems along the Shore Road area since Storm Irene as well as Storm Sandy. We continue to work in this area of town to ensure a few pending repairs are completed. I could supply you with a spreadsheet of our activity that we had prepared and recently shared with the Clinton Shellfish Commission. –Jim Monopoli, Director of Health, Connecticut River Area Health District*

The Department applauds the extensive efforts being made to facilitate repair of on-site sewage disposal systems. TMDL staff would be glad to receive the spreadsheet of activities completed and planned for the areas covered by this TMDL document. The information could be used in future planning efforts undertaken to address impairment sources in the watershed.

- 2) *CRAHD has issued over 300 permits for on-site sewage disposal repairs just in the 2012-2013 fiscal year alone. Seventy-two of these repairs were in the Town of Clinton. –Jim Monopoli, Director of Health, Connecticut River Area Health District*

The locations of these repairs would be useful for future analysis activities and may be converted into a GIS layer by TMDL staff to assist with watershed planning activities for impaired waterways in Clinton.

- 3) *In the report, there was no inclusion of our annual sampling program for beach and bathing waters. We have several seasons of data on bacterial quality of public bathing areas that we have sampled weekly during each bathing season. –Jim Monopoli, Director of Health, Connecticut River Area Health District*

The posted TMDL documents focus on shellfishing impairments that utilize a different species of indicator bacteria than that utilized for recreational bathing areas. There are no waterbody segments in the Clinton area currently impaired for recreational use from bacteria sources.

Thank you for identifying data which you collect which may help to inform future TMDL evaluations. TMDL staff will contact you to evaluate the potential to incorporate this information into future TMDLs.

- 4) *On page 27, you mention septic system monitoring programs. You also recommend the establishment of a monitoring system involving inspections on page 30. While the health district also supports septic system monitoring programs, and our agency and the WPCA do some work in this area, we currently lack the manpower to elevate to this type of program without additional funding. We would certainly welcome dialogue to be part of this if the funding were made available to the district or to the town of Clinton for this purpose. –Jim Monopoli, Director of Health, Connecticut River Area Health District*

Potential sources of funding are identified in Chapter 7 of the Core Document of the TMDL, posted online at

http://www.ct.gov/deep/cwp/view.asp?a=2719&q=505808&deepNav_GID=1654.

However, additional funding sources may not be able to fund actions required under permitted authorizations. In addition, the Department does currently provide technical assistance and guidance through the work of current staff. These same CT DEEP staff can also identify additional programs and potential funding and community resources.

- 5) *On page 12 is shown a map indicating failing septic systems with green triangles. We would like to get more specific information on the location and status of these systems so we may cross reference with our repair permit activities. –Jim Monopoli, Director of Health, Connecticut River Area Health District*

The maps were created using GIS layers from historical information here in the Department. The specific details of the systems included in the Clinton appendix can be sent to the Health District for a cross-referencing activity. This kind of updated local information will only make the TMDL process and future planning and implementation activities more successful in achieving the goal of attainment of the CT Water Quality Standards. The previously mentioned spreadsheet in comment #1 of this document would be an enhancement to current DEEP files and records.

- 6) *The TMDL documents need to more fully support decentralized swage system (DSS) management in accordance with guidance from the U.S. Environmental Protection Agency. Comprehensive DSS management would assist statewide and local efforts to reduce bacteria impairment of inland and coastal waters, and would support nutrient TMDKs, non-point source pollution programs, as well as drinking water source water protection and recreation programs. Comprehensive DSS management should be promoted as an action step that will ensure decentralized swage systems are properly sites, designed, installed, and maintained as that will assist in reducing bacterial impairment of surface waters. The Environmental Engineering Program (EEP) of the CT Department of Public Health supports comprehensive DSS management and encourages CT DEEP to work with CT DPH and other stakeholder organizations on DSS initiatives. – Bob Scully, CT Department of Public Health*

CT DEEP supports decentralized wastewater options when they are an appropriate management option for wastewater treatment. These systems can be a component of effective protection of water quality. DEEP also agrees that a more collaborative approach to wastewater management will result in the best outcomes for Connecticut waterways and human health. This TMDL considers all options for treatment of wastewater and numerous potential sources of bacteria loading to waterways. There are links to EPA guidance documents in section 6.2.2 of the Core Document for the Statewide Bacteria TMDL. In a document of this scope it is difficult to go into too much depth with any one treatment option or loading source. The TMDL recommended actions reflect our existing regulatory structure and suggests other regulatory and non-regulatory actions that can be taken on the local or regional basis with existing state technical assistance and guidance. No changes have been made in the FINAL version submitted to EPA for approval.

- 7) *EEP previously provided comments, under an August 2, 2012 cover letter, on previous draft bacteria TMDL documents. Many of the comments included in the review of the statewide document are applicable to the first draft shoreline TMDL documents. DEEP is encouraged to revisit those comments. –Bob Scully, CT Department of Public Health*

We have reviewed the current proposed TMDLs with regard to your previous comment letter. No additional changes to the TMDLs are recommended at this time. The responses we provided to your previous comments are still valid. These responses are available in the Response to Public Comments Document for the 2012 Statewide TMDL for Bacteria Impaired Waters dated September 19, 2012 and available at

http://www.ct.gov/deep/lib/deep/water/tmdl/statewidebacteria/rtc_tmdl_final.pdf .

- 8) *The success of watershed- based programs is dependent upon the State’s commitment to comprehensive DSS management. Watershed stakeholder organizations need a strong commitment and support for statewide comprehensive DSS management. The documents reference “properly managed septic systems”, however it must be understood that this doesn’t mean that the systems are just periodically pumped. Properly managed decentralized sewage systems are subject to all of EPA’s management components per their guidance documents. - Bob Scully, CT Department of Public Health*

The text is included in many, if not all, of the watershed appendix summaries. Since EPA guidance documents are included in the Core Document under Additional Resources, the other guidance suggestions can be found through linked documents if the end user desires additional information.

- 9) *The Potential bacteria Sources section refers to and identifies “Large Septic Tank Leach Fields”, however it is not clear what criteria was utilized for this designation. This section also includes maps that identify general locations of failing septic systems, and lists of segments where failing septic systems are located, however specifics on the failing systems are not provided in the document. The documents should confirm that reports of failed septic systems are provided to the local health department in a timely manner for follow-up. - Bob Scully, CT Department of Public Health*

The Potential Bacteria Sources section and map were based on a general analysis of the potential for a source to occur within a watershed and/or historical data that may have been identified to the Department. The terms used provide general descriptions of sources. The potential sources section identifies the information as preliminary, indicating that a thorough investigation of sources is needed to confirm the listed sources and discover additional sources which should be listed. As such, the list is not presented as a comprehensive, detailed and verified source map/list. Rather, it identifies a starting point for future investigations into pollution sources. If the Department becomes aware of failing septic systems, we work with the local health departments to address the issue.

- 10) *The Department of Public Health Environmental Engineering Program receives several hundred applications each year for exceptions that are in conjunction with septic system updates, many of which are to correct failing sewage systems (cesspools, antiquated septic system). The EEP has not been consulted on this septic system failure information. Bob Scully, CT Department of Public Health*

Thank you for identifying data which EEP maintains which may help to inform TMDL source evaluations. TMDL staff will contact EEP staff to evaluate the potential to incorporate this information into future TMDLs.

- 11) *The recommended Next Steps section encourages local communities to develop a system to monitor septic systems. Such a system would include an inventory of septic through mandatory inspections. The State of CT has not developed a standardized inspection protocol for routine sewage system assessments of this type. An appropriate action step is the development of standardized inspections protocols and template ordinances for local communities to use. These measures are part of the comprehensive DSS management, and should be supported at the state level. The document also encourages towns to develop programs that would eliminate sub-standard and failing systems. Local communities typically do not have the resources or funding to implement programs to eliminate older and antiquated sewage systems/components such as cesspools and steel septic tanks, which is why other states have assisted with funding such programs. - Bob Scully, CT Department of Public Health*

This comment refers to a recommended next step in each of the appendices to have municipalities develop a system to monitor septic systems. A more robust state level program for on-site system management is a goal CT DEEP shares with the commenter. Any further discussions on the development of recommended documents and guidance are welcome if and when future funding sources become available and are within other pollution management program priorities. In the meantime, the TMDL recommended actions reflect CT DEEP existing regulatory structure and suggests regulatory and non-regulatory actions that can be taken on a local or regional basis. The agency does currently provide technical assistance and guidance through the work of current staff. These same CT DEEP staff can also identify programs and potential funding and community resources.